

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

TINA CASANOVA, *Plaintiff*

v.

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER, *Defendant*

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CASE NO. _____

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS:

COME NOW Defendant, Nationstar Mortgage, LLC d/b/a Mr. Cooper, and pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, gives notice that it hereby removes the action styled *Tina Casanova v. Nationstar Mortgage LLC d/b/a Mr. Cooper*, Cause No. 2019-CI-12776 – In the 37th Judicial District Court of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division. Defendant provides the following in support of this removal:

I.
REQUIREMENTS FOR REMOVAL

1. Pursuant to 28 U.S.C. § 1446(a), Defendant attaches to this Notice of Removal:
 - i) A true and correct copy of Plaintiff’s Original Petition For Declaratory Judgment and Application for Temporary Restraining Order and Injunctive Relief (Exhibit 1);
 - ii) A true and correct copy of the Docket Sheet for Cause No. 2019-CI-12776 (Exhibit 2);
 - iii) A true and correct copy of the Temporary Restraining Order issued in Cause No. 2019-CI-12776 (Exhibit 3); and
 - iv) Defendant’s Original Answer (Exhibit 4).

2. This Court has original jurisdiction of this suit based upon the Court's federal question jurisdiction under 28 U.S.C. § 1331. With certain limitations, any civil action brought in a state court may be removed to the district court of the United States for the district and division that encompasses the county wherein the action is pending. *See* 28 U.S.C. § 1441. The San Antonio Division of the Western District of Texas is the proper court for removal from a district court in Bexar County, Texas. *See* 28 U.S.C. § 124(d)(4).

3. As required by 28 U.S.C. § 1446(d), the removing Defendant will promptly give all parties written notice of the filing of this Notice of Removal and will promptly file a notice of removal with the Clerk of the 37th Judicial District Court in Bexar County, Texas.

II. **REMOVAL IS TIMELY**

4. Plaintiff filed her Original Petition on June 26, 2019. This removal is filed within thirty days of the filing of the suit and is timely under 28 U.S.C. § 1446(b).

III. **FEDERAL QUESTION**

5. Plaintiff's suit includes claims against Defendant for violations of 38 U.S.C. §§ 3732(a)(2)(A) and (a)(5). (Exhibit 1, ¶¶ 26-35). Pursuant to 28 U.S.C. § 1331, the district courts have "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Defendant, therefore, removes this matter to this Court pursuant to § 1331.

IV. **PARTIES TO THIS CASE**

6. Defendants hereby files this list of all parties of record and their counsel, including addresses, telephone numbers, and parties represented.

Counsel

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Party Represented

Tina Casanova, Plaintiff

Nationstar Mortgage LLC d/b/a Mr. Cooper,
Defendant

V.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully files this Notice of Removal thereby removing this action from the 37th Judicial District Court of Bexar County, to this Court.

Respectfully submitted,

By: /s/ Philip C. Reeves
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Attorneys for Nationstar Mortgage, LLC d/b/a Mr.
Cooper

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of July, 2019, a true and correct copy of the foregoing was sent to:

James Minerve
115 Saddle Blanket Trail
Buda, Texas 78610
Via ECF

/s/ Philip C. Reeves
Philip C. Reeves